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*Counsel for certain Lender Trusts and their
Special Servicer, KeyBank National Association*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC., et al.,)	Case No. 08-35653-KRH
)	
Debtors.)	Jointly Administered

**SUPPLEMENTAL AFFIDAVIT OF ROBERT RECORD IN RESPONSE
TO NOTICE OF SUBSTANTIVE HEARING -- DOCKET NO. 13961**

STATE OF TEXAS)
)ss.
COUNTY OF DALLAS)

ROBERT RECORDS, being duly sworn, deposes and states:

1. I am a Vice President, Special Servicing, for KeyBank National Association ("KeyBank"), acting as special servicer for Wells Fargo Bank, N.A., successor by merger to Wells Fargo Bank Minnesota, N.A. f/k/a Norwest Bank Minnesota, N.A. as trustee for the registered holders of Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, Series 1998-C1-CLT ("**Lender Trust**"). KeyBank is successor to Capmark Finance, Inc. as the special servicer for the Lender Trust. I am the person at KeyBank personally responsible for administering the loan (the "**Loan**") secured in part by the real property in West Palm Beach, Florida (the "**Property**") previously leased to Debtor and that is at issue in Claim No. 15019 (the "**Claim**") in this matter.

2. I am familiar with the loan file for the Loan and the contents thereof, including the loan documents evidencing the Loan. KeyBank, and Lender Trust's previous servicers, maintained the loan file for the Loan and copies of the loan documents within the loan file, including the Settlement Agreement attached hereto as Exhibit 1, in the regular course of their businesses. I am familiar with the record keeping system of KeyBank and at Lender Trust's previous servicers for maintaining the loan file for the Loan.


3. The Loan was made by Legg Mason Real Estate Services South, Inc. ("**Original Lender**") to Bond Circuit IV Delaware Business Trust ("**Landlord**"). The Loan and all loan documents relating to or evidencing same were assigned to Lender Trust pursuant to an Assignment of Mortgage, Security Agreement and Assignment of Leases and Rents and Assignment of Assignment of Leases and Rents dated March 23, 1998 and recorded in Official Records Book 10611, Page 1901, of the Official Records of Palm Beach County Florida.

4. The Loan was secured by, among other things, a Mortgage, Security Agreement and Assignment of Leases and Rents giving Lender Trust a first priority security interest in the Property and an Assignment of Leases and Rents assigning, among other things, all rents flowing from the Property to Lender Trust.

5. Lender Trust and Landlord entered into a Settlement Agreement dated December 9, 2009 relating to the Loan. A true and correct copy of the Settlement Agreement is attached hereto as **Exhibit 1**. Pursuant to Section 4.4 of the Settlement Agreement, Landlord agreed to assign to Lender Trust all claims it may have under the Lease dated December 30, 1996, between Landlord and Circuit City Stores, Inc., which Lease is the basis for the Claim at issue.

6. Lender Trust is the proper holder of, and payee under, the Claim.

FURTHER AFFIANT SAYETH NOUGHT



Robert Records
Vice President, Special Servicing
KeyBank National Association

SWORN TO, SUBSCRIBED and ACKNOWLEDGED before me this 28th day of December, 2016, by Robert Records. He is personally known to me, and has acknowledged before me that he executed the foregoing as his free act and deed.

Notary Public 

Printed Name: Dona Marcia Safran

My Commission Expires: 4/3/19

State of Texas

